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3-27-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TTO 11/16/2002

Applicant(s): Ryoichi Shimizu
Appl. No.: 08/883,322
Filed: June 26, 1997
Title: SELECTABLE RECORDING FRAME RATE VIDEO TAPE RECORDER
Art Unit: 2615
Examiner: T. Tran
Docket No.: 112857-099

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Commissioner for Patents
Washington, DC 20231

RESPONSE TO FINAL OFFICE ACTION

DRC
3/28/02

Sir:

The following remarks are in response to the Final Office Action entered in the above identified patent application and mailed on December 31, 2001. Claims 1-14 are pending in the application. All of the claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,858 to *Suzuki* in view of U.S. Patent No. 5,229,890 to *Okauchi*. Applicant respectfully traverses and requests that the Examiner withdraw the final rejection and allows the claims to issue.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Fine*, 837 F.2d 1071, 5, USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Finally, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ, 580 (CCPA 1974). In the present case, each of the independent claims include features which are not taught or suggested by either *Suzuki* or *Okauchi*.

Claim 1 requires, in part, a video tape recorder including means for recording a first time code stepped in a non-drop-frame format and a second time code stepped in a dropped-frame format together with the selected recording frame rate.

Claim 6 calls for a recording apparatus including, among other things, a second recording circuit for recording the plurality of time code counts from the time code generator circuit on the

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**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
112857-099

In Re Application Of: Ryoichi Shimizu

Serial No.
08/883,322

Filing Date
06/26/97

Examiner
T. Tran

Group Art Unit
2615

Title: **SEPARABLE RECORDING FRAME RATE VIDEO TAPE RECORDER**



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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Response to Final Office Action (4 Pages); and Return Receipt Postcard.

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in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below. A duplicate copy of this sheet is enclosed.
 - Charge the amount of _____
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Signature

Dated: March 15, 2001

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I certify that this document and fee is being deposited on March 15, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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